



JPW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Junichiro HAYANO et al.

Group Art Unit: 3736

Application No.: 10/822,843

Examiner: K. TOTH

Filed: April 13, 2004

Docket No.: 119405

For: METHOD AND APPARATUS FOR ASSESSING VASCULAR ENDOTHELIAL
FUNCTION

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

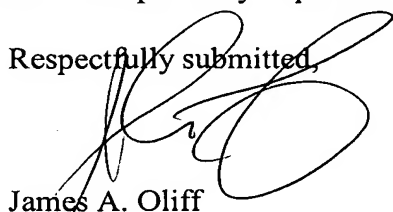
Sir:

In reply to the April 4, 2006 Restriction Requirement, Applicants provisionally elect Group II, claims 9-13, corresponding to original claims 9-13, with traverse.

It is also respectfully submitted that the subject matter of all Group is sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of the remaining group. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

John W. Fitzpatrick
Registration No. 41,018

JAO:JWF/lbg

Date: May 2, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461